



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

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MEMORANDUM

To: Chief Judges, United States Bankruptcy Courts
Clerks, United States Bankruptcy Courts

From: Peter G. McCabe 

RE: BANKRUPTCY SUBPOENA FORMS UPDATED TO REFLECT RULE CHANGE

The bankruptcy subpoena forms — B-254 (Subpoena for Rule 2004 Examination), B-255 (Subpoena in an Adversary Proceeding), and B-256 (Subpoena in a Case Under the Bankruptcy Code) — have been updated to reflect the “electronic discovery” amendments to the Federal Rules of Civil Procedure that took effect on December 1, 2006. The revised forms are posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html.

The text of subdivisions (c) and (d) of Fed. R. Civ. P. 45 (Subpoena), which are made applicable in bankruptcy cases by Fed. R. Bankr. P. Rule 9016, is set forth on the bottom of the three bankruptcy subpoena forms to inform recipients of key provisions of the rule. The updated forms substitute the newly revised language of subdivisions (c) and (d), and they also add the text of subdivision (e) (Sanctions) to alert the recipient to the potential consequences of non-compliance “without adequate excuse.”

Because practitioners often obtain court forms locally rather than from the national judiciary website, courts are encouraged to replace the old version of the subpoena forms now posted on most court websites. Consideration should also be given to exploring ways of notifying bankruptcy practitioners in each district about the updated forms.

Suggestions regarding the updated form may be directed to the Rules Committee Support Office by e-mail to Rules_Support@ao.uscourts.gov, for review by the Advisory Committee on Bankruptcy Rules.